

Application No. 10/673,221
Applicants: M. OHSUGA, et al.

503.33468CC6

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Office Action dated November 16, 2004. By the present Amendment, the claims have been amended to clarify the invention.

Reconsideration and removal of the 35 U.S.C. §112, second paragraph, rejection as set forth on page 2 of the Office Action is respectfully requested.

By the present Amendment, each of claims 35 and 39 has been amended to clarify the antecedent basis. With regard to claim 34, it is noted that this claim already provides proper antecedent basis by the claim terminology: "a motor for operating said throttle valve." Therefore, it is respectfully submitted that proper antecedent basis already exists in claim 34 for the term "the motor" or "said motor" used subsequently in the claim. Accordingly, reconsideration and removal of the 35 U.S.C. §112, second paragraph, rejection regarding claims 34, 35 and 39 is respectfully requested.

Reconsideration and removal of the objection to the drawing is also respectfully requested. By the present Amendment, claim 35 has been amended to define that the air cleaner portion and at least one air flow passage, between an output portion of the air cleaner portion and an air intake portion of one of the cylinders, are provided on an upper portion of the assembly body. This can be read on Figure 46, for example, where the air cleaner 108 and an air flow portion at the upper right-hand side of Figure 46 from the outlet of the air cleaner 108 are formed

503.33468CC6

Application No. 10/673,221
Applicants: M. OHSUGA, et al.

on top of the assembly body 105. Accordingly, reconsideration and removal of the objection to the drawings is respectfully requested.

Reconsideration and removal of the 35 U.S.C. §§02. and 103 rejections set forth in the Office Action, based on the references to Hitomi (USP 5,063,899) and Schillington (USP 5,005,532) is respectfully requested.

By the present Amendment, each of the independent claims defines a throttle housing and the feature of the present invention that the electronically controlled throttle valve is driven by a motor which is attached to the throttle housing. This feature regarding the electronically controlled throttle valve being driven by a motor which is attached to the throttle housing is in combination with features such as the collector and the individual suction pipes being formed as an assembly body. Thus, as will be discussed below, a combination of features is provided by the present claims, which combination is neither taught nor suggested by the cited prior art.

With regard to the location of the motor for the electronically controlled throttle valve on a throttle housing, reference is made to Figure 2(b) of the present application which shows the electric motor 9 mounted on the throttle housing. Figures 50 and 54 also show the motor for the electronically controlled throttle valve being attached to a throttle housing. Regarding this, it is noted that the motor for the electronically controlled throttle valve is relatively heavy. Therefore, by locating this motor on the throttle housing, it is safely secured, as well as being conveniently located with regard to the throttle valve.

In the Office Action, the Hitomi reference is relied on for meeting the claim limitation regarding the electronically controlled throttle valve. However, although Hitomi teaches using a stepper motor 9b with a drive shaft 9 coupled to a throttle 9a

503.33468CC6

Application No. 10/673,221
Applicants: M. OHSUGA, et al.

in Figure 1 as well as on column 3, line 55 et seq., there is no teaching regarding how the motor 9b is mounted. In particular, there is no suggestion whatsoever of the present claimed feature of attaching the motor to a throttle housing. Also, Hitomi fails to teach this in combination with the feature of forming the collector and individual suction pipes as an assembly body. Similarly, the reference to Schillington is completely silent with regard to the claimed feature of the motor for an electronically controlled throttle valve being located on a throttle housing. Accordingly, reconsideration and allowance of claims 28-36, 38 to 40 and 43 over the cited prior art is respectfully requested.

Reconsideration and removal of the obviousness-type double patenting rejection is also respectfully requested. By the present Amendment, each of the independent claims has been amended to define the feature of the electronically controlled throttle valve being coupled to the throttle valve housing. It is respectfully submitted that this feature is not found in the claims of the any cited prior art patents. Accordingly, it is respectfully submitted that the present claims define a separately patentable invention relative to the claims of the parent invention. Accordingly, reconsideration and removal of the obviousness-type double patenting rejection is respectfully requested.

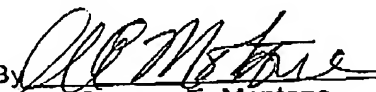
If the Examiner believes that there are any matters that can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below to arrange for an interview.

Application No. 10/673,221
Applicants: M. OHSUGA, et al.

503.33468CC6

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Docket No. 503.33468CC6), and please credit any excess fees to such Deposit Account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 
Gregory E. Montone
Reg. No. 28,141

GEM/ijk

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666

BR0627.DOC